

from the reforms that we envisioned just a year ago. If adopted as is, the proposed Council could continue the U.N.'s roll down to irrelevance and would inhibit the efforts of the United States to promote and protect human rights worldwide.

Mr. Speaker, in creating the United Nations, an entity born from the ashes of the Holocaust and the struggle against tyranny in World War II, the nations of the world committed themselves to one goal: "Never again." We would never again tolerate violations of fundamental freedoms and liberties endowed to each and every human being. A Commission on Human Rights was established to ensure that we would not waver in this commitment. It sought to protect the oppressed while holding the oppressors accountable for their actions. However, this commission has become a rogue's gallery, a country club for pariah states, a speaker's forum for dictators.

No farmer would designate a fox to guard his henhouse. No member of the international community in 1945 would have Heimler serve as a judge in Nuremberg; yet the United Nations deemed it acceptable and credible to have the likes of China, Cuba, Iran, and Sudan to sit on its Human Rights Commission.

We had to take action. As a result, the U.N. Reform Act was adopted by the House not once but twice, and it contained provisions to fundamentally reform the entities dealing with human rights at the United Nations. The Henry Hyde bill called for the United States to leverage our influence as well as our financial contributions to the United Nations in order to ensure that countries could only serve with members of any human rights body if they uphold the values embodied in the Universal Declaration of Human Rights.

We provided specific criteria for membership, criteria which seemed obvious, even self-evident, or so we thought.

It appears that it was not so obvious, not so self-evident, given that the current proposals for the U.N. Human Rights Council have no concrete human rights prerequisite for membership. But that is just the tip of the iceberg. There are other areas of grave concern.

The draft for the creation of the U.N. Human Rights Council does not establish criteria for membership. All members of the U.N. would be eligible for membership. This means that gross human rights violators could easily serve on the newly renamed council. It would give greater power and influence to certain regional groupings. These nations would hold 55 percent of the votes, therefore marginalizing the influence of Western democracy while heightening the collective power of despotic regimes.

It also makes it easier to call for special sessions of the council. Due to the new composition of the council, democratic nations such as ours and Israel

would become targets for these special sessions. It would also require members to rotate off every two terms, which means that every 6 years the United States would be off the council.

The United States must stand firm against these attempts. I commend John Bolton, the U.S. Ambassador to the United Nations, for doing just that and raising the bar for other democratic nations to do the same. We must make it clear to the United Nations that we will not accept a simple reshuffling of the deck chairs on the Titanic. We will not be pressured into a hasty vote on this Human Rights Council while much needs to be done, much needs to be reconsidered and studied.

Let us recall our promise of "Never again." Let us ask ourselves, does the proposed U.N. Human Rights Council fulfill that promise? If it does not, then let us make every effort to ensure that it does. We must prevent the Human Rights Council from also being hijacked and manipulated into a tool of oppression and tyranny, rather than standing for freedom and democracy.

#### NICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, the clock is ticking on the 109th Congress and still we have done nothing to stop illegal guns from getting into the hands of criminals.

I am not proposing anything new about laws or a ban on certain weapons, but helping our States enforce the current law that prevents criminals from buying guns.

NICS, the National Instant Criminal Background Check System, is the database used to check potential firearms buyers for any criminal record or history of mental illness. In large, NICS has been a success. Since 1994 more than 700,000 individuals were denied a gun for failing a background check. The background check goes back to the 1968 Gun Control Act, and that would basically be what we are enforcing.

However, the NICS system is only as good as the information that the States provide. Twenty-five States have automated less than 60 percent of their felony convictions into the NICS system. That means that 40 percent of people are not in the system that should be denied guns. In these States many felons will not turn up on the NICS system and would be able to purchase guns with no questions asked.

In 13 States domestic violence restraining orders are not necessarily put into the NICS system. Common sense would dictate that you do not sell a gun to someone who has been served with a restraining order.

Thirty-three States have not automated or do not share mental health records that would disqualify certain individuals from purchasing a gun. Sadly, this particular loophole in the

NICS system cost two of my constituents their lives.

On March 8, 2002, Peter Troy purchased a .22 caliber semi-automatic rifle. He had a history of mental health problems, and his own mother had a restraining order against him as a result of his violence. It was illegal for him to purchase a gun, but like so many others, he simply slipped through the cracks in the NICS system. Four days later Peter Troy walked into our Lady of Peace Church in Lynbrook, New York, opened fire and killed Reverend Lawrence Penzes and Eileen Tosner.

Peter Troy had no business buying a gun, and the system created to prevent him from doing so failed.

□ 1945

It is only a matter of time before the system's failings provide larger tragedies. We must fix the NICS system. While we lay the responsibility for the NICS system on the States, many of our States' budgets are already overburdened and will have even fewer resources if the President's budget passes as is intact, which is why I introduced H.R. 1415, the NICS Improvement Act.

This legislation will provide grants to States to update the NICS system. States would be able to update their NICS database to include felons, people with certain mental and emotional disabilities, and domestic abusers. We need the NICS Improvement Act to become law, and we need more bills like this to pass. These are ideas that impose no new restrictions open gun owners, but give the government the tools to ensure existing laws are enforced. In fact, the NICS Improvement Act already passed this House in the 107th Congress by a voice vote. It came through the Judiciary Committee with no dissenting votes. The bill had the endorsement of the National Rifle Association. Unfortunately, the other body never acted upon the bill.

This is commonsense gun legislation we can all agree on. This bill will save lives while not infringing on anybody's second amendment rights.

Mr. Speaker, I call Congress to act quickly on H.R. 1415. We can prevent tragedies throughout this Nation. Certainly we hear the NRA talking all the time about enforcing the laws on the books. We can do this if we enforce the laws on the books. If we bring up the NICS system the way it is supposed to be, we can save lives.

One thing that people don't talk about, with the injuries and the deaths that we see in this Nation from daily gun violence, it is costing our medical system, our health care system over \$2 billion a year. That is money that can certainly be better spent on other health care issues.

Mr. Speaker, I am hoping that the House will see its way to take this important information, bring the NICS system up to where it should be, and let us save lives.